



JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

ELECTIONS DIVISION
(573) 751-2301

December 29, 2020

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RECEIVED

DEC 29 2020

STATE AUDITORS OFFICE

RE: Petition approval request from Winston Apple regarding a proposed constitutional amendment to Article III (2022-003)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Winston Apple on December 29, 2020.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written in a cursive style.

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

STAPLE
HERE

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

Page No. _____

22-003

To the Honorable John R. Ashcroft, Secretary of State for the state of Missouri: _____ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2022, and each for himself or herself says: I have personally signed this petition. I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

RECEIVED
2020 DEC 29 AM 8:21
John R. Ashcroft
MO. SEC. OF STATE

STATE OF MISSOURI, COUNTY OF _____ I, _____ being first duly sworn, say (print names of signers)

CIRCULATOR'S AFFIDAVIT

	Signature	Date Signed	Registered Voting Address	Zip Code	Cong. District	Printed First and Last Name
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County (or city of St. Louis). FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY. I am at least 18 years of age. I do _____ do not _____ (check one) expect to be paid for circulating this petition. If paid, list the payer: _____

Signature of Affiant (Person obtaining signatures)

Street Address of Affiant

City, State and Zip Code of Affiant

Subscribed and sworn to before me this _____ day of _____, A.D. _____

Signature of Notary

Address of Notary

(Seal)

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article III of the Constitution is revised by amending Sections 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 20(d), and 45 to read as follows:

III Section 3. [(a)] The house of representatives shall consist of [one hundred sixty-three members] ten members from each congressional district, elected at each general election [and redistricted] as provided in this [section] article.

[(b)] The house independent bipartisan citizens commission shall redistrict the house of representatives using the following methods, listed in order of priority:

(1) Districts shall be as nearly equal as practicable in population, and shall be drawn on the basis of one person, one vote. Districts are as nearly equal as practicable in population if no district deviates by more than one percent from the ideal population of the district, as measured by dividing the number of districts into the statewide population data being used, except that a district may deviate by up to three percent if necessary to follow political subdivision lines consistent with subdivision (4) of this subsection;

(2) Districts shall be established in a manner so as to comply with all requirements of the United States Constitution and applicable federal laws, including, but not limited to, the Voting Rights Act of 1965 (as amended). The following principles shall take precedence over any other part of this constitution: no district shall be drawn in a manner which results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color; and no district shall be drawn such that members of any community of citizens protected by the preceding clause have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice;

(3) Subject to the requirements of subdivisions (1) and (2) of this subsection, districts shall be composed of contiguous territory as compact as may be. Areas which meet only at the points of adjoining corners are not contiguous. In general, compact districts are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries;

(4) To the extent consistent with subdivisions (1) to (3) of this subsection, communities shall be preserved. Districts shall satisfy this requirement if district lines follow political subdivision lines to the extent possible, using the following criteria, in order of priority. First, each county shall wholly contain as many districts as its population allows. Second, if a county wholly contains one or more districts, the remaining population shall be wholly joined in a single district made up of population from outside the county. If a county does not wholly contain a district, then no more than two segments of a county shall be combined with an adjoining county. Third, split counties and county segments, defined as any part of the county that is in a district not wholly within that county, shall each be as few as possible. Fourth, as few municipal lines shall be crossed as possible;

(5) Districts shall be drawn in a manner that achieves both partisan fairness and, secondarily, competitiveness, but the standards established by subdivisions (1) to (4) of this subsection shall take precedence over partisan fairness and competitiveness. "Partisan fairness" means that parties shall be able to translate their popular support into legislative representation with approximately equal efficiency. "Competitiveness" means that parties' legislative representation shall be substantially and similarly responsive to shifts in the electorate's preferences.

To this end, the average electoral performance of the two political parties receiving the most votes in the three preceding general elections for governor, for United States Senate, and for President of the United States shall be calculated. This index shall be defined as the total votes received by each party in the three preceding general elections for governor, for United States Senate, and for President of the United States, divided by the total votes cast for both parties in these elections. Using this index, the total number of wasted votes for each party, summing across all of the districts in the plan shall be calculated. "Wasted votes" are votes cast for a losing candidate or for a winning candidate in excess of the threshold needed for victory. In any redistricting plan and map of the proposed districts, the difference between the two parties' total wasted votes, divided by the total votes cast for the two parties, shall not exceed fifteen percent.

To promote competitiveness, the electoral performance index shall be used to simulate elections in which the hypothetical statewide vote shifts by one percent, two percent, three percent, four percent, and five percent in favor of each party. The vote in each individual district shall be assumed to shift by the same amount as the statewide vote. In each of these simulated elections, the difference between the two parties' total wasted votes, divided by the total votes cast for the two parties, shall not exceed fifteen percent.

(c) Within sixty days after the population of this state is reported to the President for each decennial census of the United States or, in the event that a redistricting plan has been invalidated by a court of competent jurisdiction, within sixty days that such a ruling has been made, the state committee and the congressional district committees of each of the two political parties casting the highest vote for governor at the last preceding general election shall meet and the members of each committee shall nominate, by a majority vote of the elected members of the committee present, provided that a majority of the elected members is present, members of their party, residents in that district, in the case of a congressional district committee, as nominees for the house independent bipartisan citizens commission. No party shall select more than one nominee from any one state legislative district. The congressional district committees shall each submit to the governor their list of two elected nominees. The state committees shall each submit to the governor their list of five elected nominees. Within thirty days thereafter, the governor shall appoint a house independent bipartisan citizens commission consisting of one nominee from each list submitted by each congressional district committee and two nominees from each list submitted by each state committee to redistrict the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts. No person shall be appointed to both the house independent bipartisan citizens commission and the senate independent bipartisan citizens commission during the same redistricting cycle.

If any committee fails to submit a list within such time, the governor shall appoint a member of his or her own choice from the political party of the committee failing to submit a list, provided that in the case of a congressional district committee failing to submit a list, the person appointed to the commission by the governor shall reside in the congressional district of such committee.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final redistricting plan.

For the purposes of this Article, the term congressional district committee or congressional district refers to the congressional district committee or the congressional district from which a congressman was last elected, or, in the event members of congress from

this state have been elected at large, the term congressional district committee refers to those persons who last served as the congressional district committee for those districts from which congressmen were last elected, and the term congressional district refers to those districts from which congressmen were last elected. Any action pursuant to this section by the congressional district committee shall take place only at duly called meetings, shall be recorded in their official minutes and only members present in person shall be permitted to vote.

(d) The commissioners so selected shall, on the fifteenth day, excluding Sundays and state holidays, after all members have been appointed, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary. The commission shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be filed with the clerk of the house of representatives within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

(e) Not later than five months after the appointment of the commission, the commission shall file with the secretary of state a tentative redistricting plan and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons. The commission shall make public the tentative redistricting plan and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map.

(f) Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven-tenths of the members.

(g) After the final statement is filed, members of the house of representatives shall be elected according to such districts until a new redistricting plan is made as provided in this section, except that if the final statement is not filed within six months of the time fixed for the appointment of the commission, the commission shall stand discharged and the house of representatives shall be redistricted using the same methods and criteria as described in subsection (b) of this section by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its redistricting plan and map with the secretary of state within ninety days of the date of the discharge of the house independent bipartisan citizens commission. The judicial commission shall make public the tentative redistricting plan and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map. Thereafter, members of the house of representatives shall be elected according to such districts until a redistricting plan is made as provided in this section.

(h) Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session but not more than one thousand dollars, and, in addition, shall be reimbursed for his or her actual and necessary expenses incurred while serving as a member of the commission.

(i) No redistricting plan shall be subject to the referendum.

(j) Any action expressly or implicitly alleging that a redistricting plan violates this Constitution, federal law, or the United States Constitution shall be filed in the circuit court of Cole County and shall name the body that approved the challenged redistricting plan as a defendant. Only an eligible Missouri voter who sustains an individual injury by virtue of residing in a district that exhibits the alleged violation, and whose injury is remedied by a differently drawn district, shall have standing. If the court renders a judgment in which it finds that a completed redistricting plan exhibits the alleged violation, its judgment shall adjust only those districts, and only those parts of district boundaries, necessary to bring the map into compliance. The supreme court shall have exclusive appellate jurisdiction upon the filing of a notice of appeal within ten days after the judgment has become final.]

III Section 4. Each representative shall be twenty-four years of age, and next before the day of his election shall have been a qualified voter [for two years] and a resident of the [county or] district which she or he is chosen to represent for one year, if such [county or] district shall have been so long established, and if not, then of the [county or] district from which the same shall have been taken.

III Section 5. [The] With the exception of the number of senators and the length of term of senators elected to serve in the one-hundred-and-third General Assembly as provided for in Article III, Section 11, the senate shall consist of [thirty-four] twenty-one members elected by the qualified voters of the [senatorial districts] state of Missouri for a term of [four] two years. [Senatorial districts shall be apportioned as provided for in Article III, Section 7.]

III Section 6. Each senator shall be thirty years of age, and next before the day of her or his election shall have been a qualified voter [of the state for three years] and a resident of the [district which he is chosen to represent] state of Missouri for one year[, if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken].

III Section 7. [(a) Within sixty days after the population of this state is reported to the President for each decennial census of the United States, or within sixty days after a redistricting plan has been invalidated by a court of competent jurisdiction, the state committee and the congressional district committees of each of the two political parties casting the highest vote for governor at the last preceding general election shall meet and the members of each committee shall nominate, by a majority vote of the elected members of the committee present, provided that a majority of the elected members is present, members of their party, residents in that district, in the case of a congressional district committee, as nominees for the senate independent bipartisan citizens commission. No party shall select more than one nominee from any one state legislative district. The congressional district committees shall each submit to the governor their list of two elected nominees. The state committees shall each submit to the governor their list of five elected nominees. Within thirty days thereafter the governor shall appoint a senate independent bipartisan citizens commission consisting of two nominees from each list submitted by each state committee and one nominee from each list submitted by each congressional district committee, to redistrict the thirty-four senatorial districts and to establish the numbers and boundaries of said districts. No person shall be appointed to both the house independent bipartisan citizens commission and the senate independent bipartisan citizens commission during the same redistricting cycle.

If any committee fails to submit a list within such time, the governor shall appoint a member of his or her own choice from the political party of the committee failing to submit a list, provided that in the case of a congressional district committee failing to submit a list, the person appointed to the commission by the governor shall reside in the congressional district of such committee.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final redistricting plan.

(b) The commissioners so selected shall, on the fifteenth day, excluding Sundays and state holidays, after all members have been appointed, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary. The commission shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be filed with the secretary of the senate within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

(c) The senate independent bipartisan citizens commission shall redistrict the senate using the same methods and criteria as those required by subsection (b), section 3 of this Article for the redistricting of the house of representatives.

(d) Not later than five months after the appointment of the senate independent bipartisan citizens commission, the commission shall file with the secretary of state a tentative redistricting plan and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons. The commission shall make public the tentative redistricting plan and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map.

(e) Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven-tenths of the members.

(f) After the final statement is filed, senators shall be elected according to such districts until a new redistricting plan is made as provided in this section, except that if the final statement is not filed within six months of the time fixed for the appointment of the commission, the commission shall stand discharged and the senate shall be redistricted using the same methods and criteria as described in subsection (b) of section 3 of this Article by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its redistricting plan and map with the secretary of state within ninety days of the date of the discharge of the senate independent bipartisan citizens commission. The judicial commission shall make public the tentative redistricting plan and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map. Thereafter, senators shall be elected according to such districts until a redistricting plan is made as provided in this section.

(g) Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session, but not more than one thousand dollars, and, in addition, shall be reimbursed for his or her actual and necessary expenses incurred while serving as a member of the commission.

(h) No redistricting plan shall be subject to the referendum.

(i) Any action expressly or implicitly alleging that a redistricting plan violates this Constitution, federal law, or the United States Constitution shall be filed in the circuit court of Cole County and shall name the body that approved the challenged redistricting plan as a defendant. Only an eligible Missouri voter who sustains an individual injury by virtue of residing in a district that exhibits the alleged violation, and whose injury is remedied by a differently drawn district, shall have standing. If the court renders a judgment in which it finds that a completed redistricting plan exhibits the alleged violation, its judgment shall adjust only those districts, and only those parts of district boundaries, necessary to bring the map into compliance. The supreme court shall have exclusive appellate jurisdiction upon the filing of a notice of appeal within ten days after the judgment has become final.]

- (a) Beginning with the election of senators and representatives to be held in the year two thousand and twenty-four there will be no primary election for those offices. For the general election, all candidates who file to run and are qualified to run, for the general assembly will be listed on the ballot in the congressional district in which they reside, grouped by political party affiliation. Independent candidates will be grouped together on the ballot.
- (b) General elections shall be carried out using a system of ranked choice voting under which each voter shall be able to rank a minimum of three candidates for the general assembly in order of preference. If feasible, the ballot shall permit voters to rank up to ten candidates for the general assembly, or as close to that number as feasible. Voters shall be able to request a general ballot listing all of the candidates for all political parties and all independent candidates, a single-party ballot listing only the candidates of a single political party, or a ballot listing only independent candidates.
- (c) A number of spaces equal to the number of choices voters are able to rank shall be provided to write in the names of candidates not appearing on the ballot. All write-in candidates who have properly registered with the secretary of state will be treated as independent candidates when votes are tabulated. Write-in votes may also be cast for candidates for the general assembly who are on the ballot in districts other than a voter's district. The ballot shall be simple and easy to understand, with instructions necessary to enable voters to successfully cast ballots under the system.
- (d) The results of each general election will be tabulated in two rounds. In the first round of tabulation only first-choice votes will be counted and the one hundred and one candidates who receive the most first-choice votes are elected to the general assembly. In the second round of tabulation the lower-ranked votes of voters who cast first-choice votes for candidates who were not elected shall be distributed among the candidates who were elected, with a single vote for the highest ranked preference of each such voter being transferred to a candidate who was elected.
- (e) If a voter inadvertently casts a vote for more than a single candidate among any of their ranked choices each candidate listed will be given the appropriate fraction of a whole vote. If a voter inadvertently fails to fill in a choice among their ranked choices but has additional lower-ranked choices, the missing ranked choice will be ignored. A ballot with no remaining choices for candidates who were elected is an "exhausted ballot" and shall be set aside.
- (f) The five candidates who receive the most votes state-wide and meet the qualifications to serve as senators are elected to the senate. The two candidates from each congressional district who received the most votes, who were not elected to serve as at-large senators and who meet the qualifications to serve as senators are also elected to the senate. The ten candidates from each congressional district receiving the next highest vote totals are elected to the house of representatives.
- (g) Officials shall determine a random selection algorithm, prior to tabulation, to resolve ties between candidates for the last remaining seat, or seats, in the general assembly or to determine which members are elected to the senate.
- (h) Candidates who are elected to the general assembly shall be given weighted votes in all matters before the general assembly based on the total number of votes each member received. The value of each member's weighted vote shall be determined by dividing the number of votes received by each member by the number of votes received by the member of the house of representatives with the lowest number of votes.
- (i) A political party having no candidate for the general assembly or statewide office receiving at least one percent of the total vote in the preceding general election, may qualify for a place on the ballot for the general assembly in each congressional

district by presenting petitions signed by one per cent of the legal voters in that congressional district. An independent candidate may qualify for a place on the ballot in a congressional district by presenting petitions signed by one-half of one percent of the legal voters in the congressional district in which they reside. The number of "legal voters" is equal to, and determined by, the total vote for governor in the general election last preceding. Said petitions are to be delivered to the secretary of state no later than one hundred and twenty days preceding the general election.

- (j) The signatures on petitions submitted by independent candidates and political parties shall be subject to verification according to the procedures in the code of state regulations for independent candidate petitions in force at the time the petitions are submitted.

III Section 8. No one shall be elected to serve more than [eight years total in any one house of the General Assembly nor more than] sixteen years total in [both houses of] the General Assembly. In applying this section, service in the General Assembly resulting from an election prior to December 3, 1992, or service of less than one year, in the case of a member of the house of representatives, or two years, in the case of a member of the senate, by a person elected after the effective date of this section to complete the term of another person, shall not be counted.

III Section 9. Until the convening of the Seventy-fourth General Assembly the House of Representatives shall consist of one hundred sixty-three members elected from the one hundred sixty-three representative districts, as they existed January 1, 1965. Beginning with the election of representatives in the primary and general elections to be held in the year two thousand and twenty-four the House of Representatives shall consist of ten members elected from each congressional district.

III Section 10. [The last decennial census of the United States shall be used in apportioning representatives and determining the population of senatorial and representative districts. Such districts may be altered from time to time as public convenience may require.] If the Congress of the United States passes legislation allowing the state of Missouri to elect its representatives to the House of the Congress of the United States at-large or from multiple-member districts, the general assembly shall by law continue to divide the state into a number of districts corresponding with the number of representatives to which it is entitled, composed according to the guidelines provided in Section III, Article 45 and those districts shall continue to be used in electing members of the Missouri house of representatives.

III Section 11. The first election of senators and representatives under this constitution, shall be held at the general election in the year one thousand nine hundred and forty-six when the whole number of representatives and the senators from the districts having even numbers, who shall compose the first class, shall be elected, and two years thereafter the whole number of representatives and the senators from districts having odd numbers, who shall compose the second class, shall be elected, and so on at each succeeding general election. Beginning with the general election to be held in the year two thousand and twenty-four, senators will no longer be divided into two classes. For the election held in the year two thousand and twenty-four only, the senators from the class elected in the year two thousand and twenty-two will continue to serve for the remainder of the term to which they were elected. In the election held in the year two-thousand and twenty-four, the names of the senators from that class will not appear on the ballot, but voters may cast write-in votes for those senators and those write-in votes will be added to the number of votes senators of that class received in the election of two-thousand and twenty-two to determine the value of each senator's weighted vote.

III Section 13. If any senator or representative removes her or his residence from the [district or county for which he was elected, his] state of Missouri, their office shall thereby be vacated. If any senator or representative removes her or his residence from the district from which they were elected, they may serve out their term as long as they continue to reside in Missouri.

III Section 14. [Writs of election to fill v] Vacancies in either house of the general assembly shall be filled by the candidate who would next have been elected at the last general election if the member vacating the office had not been elected [issued by the governor].

III Section 20(d). If any provision of sections 2, 3, 5, 6, 7, 8, 9, 10, 11, 14, 19, [or] 20(c), or 45 or the application thereof to anyone or to any circumstance is held invalid, the remainder of those provisions and the application of such provisions to others or other circumstances shall not be affected thereby.

III Section 45. When the number of representatives to which the state is entitled in the House of the Congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be. If Congress enacts legislation giving states the right to elect members of the House of the Congress of the United States from either multiple-member districts or at-large, the state of Missouri shall elect its members at-large, if given a choice of the two, or from multiple-member districts, if that is the only choice, with those multiple-member districts composed of contiguous territory as compact and as nearly equal in population as may be.